IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6866 of 2005

Between:

M/s. Bharat Petroleum Corporation Limited, Warangal Territory, Goods Shed road Warangal, rep. by its Territory Manager.

..... PETITIONER

AND

1 The District Collector, Adilabad.
2 the Mandal Revenue Officer, Bellampally Mandal, Adilabad District.
3 Bakkam Ramachandra Rao, S/o. Samaiah,
Karimnagar, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not considering the case of the petitioner for running the retail outlet in Sy.No.3, Akkinapalli Village, Bellampally Mandal, Adilabad District as illegal and consequently direct the respondents 1 and 2 to permit the petitioner corporation to commission the retail outlet and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

O R D E R:

The writ petition is filed seeking a declaration that the action of the 1st respondent in not considering the case of the petitioner for running the retail outlet in Sy.No.3, Akkinapalli village, Bellampally Mandal, Adilabad District as arbitrary and illegal.

It is stated that for the purpose of starting a retail outlet, the petitioner Corporation has identified the land in Sy.No.3 of Akkinapalli village, Bellampally Mandal, Adilabad District. Accordingly, the petitioner entered into a Registered Lease Deed with the owner of the said land, the third respondent herein for the past 30 years. Thereafter, the petitioner Corporation made an application to the first respondent – District Collector for issuance of No Objection Certificate for establishment of a retail outlet in the said land. In pursuance thereof, the Mandal Revenue Officer, Bellampally Mandal conducted spot inspection. On the basis of the report submitted by the Mandal Revenue Officer, Bellampally Mandal and the Revenue Divisional Officer, Manchirial, the first respondent issued a No Objection Certificate under Rule 144 of the Petroleum Rules, 1976 for installation of a retail outlet on the land in question. However,

subsequently on an application submitted by the Ad hoc Dealer for B-Form licence, it appears that the District Collector has directed the Revenue Divisional Officer to verify the title deeds. At this stage, the Mandal Revenue Officer initiated proceedings under the Provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 for resumption of the land in question alleging that the said land is assigned land. Questioning the said proceedings, the third respondent filed W.P.NO.9132 of 2004 which was disposed of with a direction to the Mandal Revenue Officer to complete the proceedings within a period of six weeks. Aggrieved by the same, the petitioner Corporation filed W.A.No.1924 of 2004 contending that the Corporation must be allowed to continue its business until proceedings are finally terminated. The Division Bench having taken note of the fact that the Mandal Revenue Officer has already passed an order of resumption after disposal of the writ petition, dismissed the Writ Appeal holding that the matter does not survive requiring any further adjudication. However, it was observed that the contentions urged by the Corporation do not require to be examined in the said proceedings and accordingly the remedy of Corporation was left open.

Now, this writ petition is filed by the Corporation contending that since the Corporation has invested huge amounts towards infrastructure for establishment of a retail outlet and for installation of underground petrol tank and have also engaged security personnel to keep watch of the retail outlet, and particularly keeping in view that the respondents 1 and 2 have earlier issued No Objection Certificate and also approved conversion of the agricultural land into non-agricultural land, the first respondent is not justified in not permitting the petitioner Corporation to commission the retail outlet. It is also stated that the petitioner Corporation would abide by the decision of the authorities with regard to the title of the land and therefore it would be appropriate to permit the petitioner Corporation to run the retail outlet notwithstanding the proceedings pending with regard to the title of the land in question.

I have heard the learned Counsel for the petitioner as well as the learned Government Pleader appearing for the respondents 1 and 2.

It is relevant to note that the petitioner Corporation made a detailed representation dated 9-12-2004 explaining the facts and circumstances and requesting the first respondent to permit them to commission the retail outlet on the land in question. The petitioner also submitted further representations dated 22-01-2005 and 4-3-2005. In the circumstances, it is for the first respondent to consider the feasibility of granting permission as sought by the petitioner Corporation.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the 1st respondent –District Collector to consider the request of the petitioner under their representations dated 9-12-2004, 22-1-2005 and 4-3-2005 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of the order.

Accordingly, the writ petition is disposed of. No costs.

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01-04-2005

Mjl/*

To,

1 The District Collector, Adilabad.
2 the Mandal Revenue Officer, Bellampally Mandal, Adilabad District.
3. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

4. 2 CD copies.